

IN THE SENATE OF THE UNITED STATES.

MAY 21, 1896.—Ordered to be printed.

Mr. MITCHELL, of Wisconsin, from the Committee on Military Affairs,  
submitted the following

REPORT:

[To accompany H. R. 5999.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 5999) to correct the military record of Elbridge McFadden, have examined the same, and report as follows:

The official record of the service of this soldier shows that at the age of 19 years he was enrolled June 15, 1861, as a private in Company G, Fourth Maine Infantry, to serve three years. He was transferred to Company I, Thirty-eighth New York Infantry, September 23, 1861, and to Company E of the same regiment in November, 1862. He appears to have served faithfully until May 17, 1863, when he is reported as having deserted while on furlough. No record has been found that he returned to his command or to military control.

In an application made May 12, 1884, for the removal of the charge of desertion the soldier testified that on March 11, 1863, he received an appointment as second lieutenant in Ullman's brigade and was ordered to report at headquarters in New York City; that he was not allowed to go until the officers had also received an order; that on April 11, 1863, he received a furlough to go to New York City, was furnished with his descriptive list, and told that he would be mustered out of service and commissioned as a second lieutenant. When he arrived in New York he was told that the expedition "had been gone four days." The records show that Elbridge McFadden was ordered to report to Brigadier-General Ullman for assignment to his expedition and for appointment as an officer of United States Colored Troops. The soldier testifies that he made every effort to comply, but was prevented from doing so through no fault of his, until after the expedition had left the city.

These facts are, in the main, corroborated by the affidavit of Orrin McFadden, now judge of probate in Lincoln County, Me., and who became a lieutenant-colonel in the Eightieth Regiment United States Colored Troops, which formed a part of Ullman's brigade. Judge McFadden states that he was himself appointed captain in the brigade of General Ullman and given the privilege of nominating his second lieutenant, and accordingly nominated his brother, the beneficiary, that General Ullman's adjutant-general assured Capt. Orrin McFadden that the necessary orders would be forwarded to enable his brother to join the brigade.

Your committee concur in the conclusions reached by the Committee on Military Affairs of the House of Representatives that—

In separating from his command the beneficiary was not actuated by any design or purpose to desert, but became separated therefrom by reason of proper orders and in conformity with a furlough for the purpose of uniting with Ullman's brigade; and it is equally clear that his failure so to do was due to circumstances over which he had no control, viz, the delay in the transmission of the order through the proper channels for his transfer to Ullman's brigade, and also that which occurred in procuring his furlough and the time consumed in making his journey to New York, in consequence of which he did not reach the latter city until after Ullman's brigade had departed.

His subsequent efforts to obtain information that would enable him to join the brigade to which he was assigned, as detailed in his affidavit and in a measure corroborated by the affidavit of Judge McFadden, also negative the idea of any present intention to desert; and he may well, without any such intention, have waited in expectation of receiving proper orders or instructions for joining the command until he became alarmed because of the consequence of his absence from the Thirty-eighth New York Regiment without having in the meantime joined Ullman's brigade, as was contemplated. According to his own statement he became discouraged, and then, impressed with the belief that if he returned to Virginia, where his command was, the affliction with which he states he was suffering, and in consequence of which he became enfeebled, might prove fatal, he became as a result somewhat demoralized, as young men of his age often did, and, without any willful intent to desert, went home and remained out of the service.

In view of the fact that the soldier's service in the Thirty-eighth New York Volunteers was honorable and creditable, having participated in the battles of Bull Run, Fredericksburg, and the Peninsula campaign, together with his youth and inexperience, having been but 19 years of age when he enlisted in 1861, your committee believe that he should not be held to that strict accountability which would justify a refusal to grant his request.

Your committee therefore recommend that the bill do pass.